



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 8, 1997

Mr. Miles K. Risley
Senior Assistant City Attorney
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR97-2675

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 110615.

The City of Victoria Emergency Medical Services and the City of Victoria Fire Department (the "city") received a request for copies of reports, diagrams, and dispatch transcripts of a fatal accident involving a named individual on March 24, 1996 at 185 at Roger in Bloomington, Texas. You assert that the requested information is excepted from public disclosure under section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code. You have submitted the documents at issue to this office for review.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 773.091 of the Health and Safety Code provides in part:

(a) A communication between certified emergency medical services personnel or a physician providing medical supervision and a patient that is made in the course of providing emergency medical services to the patient is confidential and privileged and may not be disclosed except as provided by the chapter.

(b) Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.


.....

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services.

The submitted records are denoted as "Fire Report Number 601293-00" and concern the specified accident to which the fire department and EMS responded. The confidentiality of section 773.091 "does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services." Health & Safety Code. § 773.091(g). After review of the documents denoted as "Fire Report Number 601293-00" we conclude that the information submitted does not contain any information excepted under section 773.092 of the Health and Safety Code. Accordingly, the documents must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref: ID# 110615

Enclosures: Submitted documents

cc: Ms. Tammy L. Moses
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(w/o enclosures)